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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,693	07/30/2003	Shoel-Lai Chen	PO92236	6544
46103	7590	10/13/2005	EXAMINER	
HDSL 4331 STEVENS BATTLE LANE FAIRFAX, VA 22033			LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,693	CHEN, SHOEI-LAI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Regina Liang	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson (US. PAT. NO. 4,787,051).

As to claims 1, 6, Olson discloses a cursor pointing device (computer mouse), to be operated in a surface (col. 1, lines 25-26) or in a space, for use in a computer, comprising a case; a controller (26 in Fig. 4); and a vibration sensor (accelerometers 14-16) installed in the case, including a two-axis accelerometer for detecting a two-dimensional movement of the case to send a positioning signal to the computer which sent a motional signal to the computer to control a cursor thereof (col. 4, lines 26-48 for example).

As to claims 2, 7, Olson teaches the motional signal is send to computer by a wireless transmission (col. 4, lines 46-48).

As to claims 3, 8, Fig. 5 of Olson teaches the case has a pen shape.

As to claim 5, Olson teaches the mouse can be moved on a flat surface (col. 1, lines 25-26).

3. Claims 1, 2, 4-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba (US. PAT. NO. 4,922,444).

As to claims 1, 6, Baba discloses a cursor pointing device (computer mouse), to be operated in a surface (see Fig. 1) or in a space, for use in a computer, comprising a case; a controller (Fig. 2); and a vibration sensor (accelerometers 10x, 10y, 10z) installed in the case, including a two-axis accelerometer for detecting a two-dimensional movement of the case to send a positioning signal to the computer which sent a motional signal to the computer to control a cursor thereof (col. 2, lines 40-63 for example).

As to claims 2, 7, Baba teaches the motional signal is send to computer by a cord (13 in Fig. 3).

As to claims 4, 9, Baba teaches the controller including a microprocessor (CPU 32 in Fig. 2).

As to claim 5, Baba teaches the mouse can be moved on a flat surface (see Fig.1).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirabayashi (US. PAT. NO. 5,329,276), Glynn (US. PAT. NO. 5,181,181), LaBiche et al (US. PAT. NO. 4,839,838).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2674

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RL* 24  
Regina Liang  
Primary Examiner  
Art Unit 2674

9/28/05